

**GOVERNMENT OF PUERTO RICO
PUERTO RICO PUBLIC SERVICE REGULATORY BOARD
PUERTO RICO ENERGY BUREAU**

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IN RE:

THE PERFORMANCE TARGETS FOR
LUMA ENERGY SERVCO, LLC

CASE NO.: NEPR-AP-2020-0025

SUBJECT: Urgent Request to Re-Schedule
Deadline.

**URGENT REQUEST TO RESCHEDULE THE AUGUST 11TH DEADLINE
TO THE PUERTO RICO ENERGY BUREAU:**

COME NOW, LUMA ENERGY, LLC as Management Co., and **LUMA ENERGY SERVCO, LLC** (collectively, **LUMA**), through the undersigned legal counsel and respectfully state and request the following:

1. On July 2, 2021, this Honorable Puerto Rico Energy Bureau (“Energy Bureau”) issued a Resolution and Order that included a procedural calendar to consider LUMA’s petition for approval of the revised Annex IX to the OMA, which includes LUMA’s proposed Performance Metrics Targets (“Request for Approval of the Revised Annex IX to the OMA”). Said procedural calendar was amended *nunc pro tunc* on July 13, 2021. Current proceedings are scheduled from August through November 2021. The next procedural event is set for August 11, 2021, when LUMA shall file a revised Request for Approval of the Revised Annex IX to the OMA.
2. LUMA respectfully submits that it needs additional time to file an amended Request for Approval of the Revised Annex IX to the OMA including the supporting documentation to be considered in this proceeding.
3. As a threshold consideration, it is respectfully requested that this honorable Energy Bureau consider that, on June 1, 2021, LUMA initiated operations of the Transmission and Distribution

System (“T&D System”), per the Puerto Rico Transmission and Distribution System Operation and Maintenance Agreement (“OMA”) as supplemented by the Puerto Rico Transmission and Distribution System Supplemental Terms Agreement and the Limited Waiver executed on June 1, 2021. Thus, key members of LUMA’s leadership team are providing direct input on LUMA’s performance metrics targets and the Revised Annex IX to the OMA and have been simultaneously involved in pressing tasks regarding LUMA’s initial operation of the T&D System. Many of these same individuals are also required to execute written testimony and/or provide guidance and review as part of the adjudicative hearings of this revised filing.

4. In addition, LUMA previously submitted to this Energy Bureau that this forum’s final determination on PREPA’s performance baselines and benchmarks issued in Case No. NEPR-MI-2019-0007 (“Baseline Proceeding”), would result in a revision of its Request for Approval of the Revised Annex IX to the OMA. This revision has required time-intensive analysis additional to the efforts that LUMA had been undertaking in prior months in connection with the proposed performance targets and to revise Annex IX to the OMA. For example, upon receipt of the Resolution and Order of July 2, 2021 in Case No. NEPR-MI-2019-0007, adjudicating LUMA’s request for clarifications and reconsideration, LUMA personnel continued analysis of their calculations of baselines for the Performance Metrics included in Annex IX of the OMA to determine if each baseline is supported by the data gathered for the year 2020, but also to compare the baseline with data on performance that is available for other years, including 2019 and 2021. This analysis, in turn, has required corroboration of the proposed targets to ensure that the revised filing to be submitted in this proceeding is complete and accurate considering

the limitations on data and data collection processes and the current state of the utility. The aforementioned analysis and additional efforts have also included recalculating baselines, assessing targets previously established, reviewing high-level plans to achieve performance metrics targets and ensure these items are achievable, and review and gather evidentiary support.

5. On July 2, 2021, this Energy Bureau issued a Resolution and Order in the Baseline Proceeding whereupon it ordered LUMA to revise its filing in the present case. *See* July 2nd Resolution and Order, Case No. NEPR-MI-2019-0007 at page 10. The Energy Bureau also instructed LUMA that such revised version should be filed in accordance with the procedural calendar established in the current proceeding. Notwithstanding the aforementioned order, the Energy Bureau recognized that additional information may be identified regarding data for setting baselines, as LUMA becomes more familiarized with the day-to-day operations of the PREPA T&D System. *Id* at p. 6. Thus, this Energy Bureau is cognizant of the evolving data challenges LUMA is confronting in its operations and in connection with the revised filing on performance metrics targets.

6. It must be noted that upon commencement of operations LUMA has encountered additional challenges regarding data collection relevant to its analysis to file a revised OMA Annex IX. For example, LUMA identified that call center data is not representative, resulting in highly inaccurate and skewed reporting that does not reflect reality. *See* Exhibit 1 (Performance Metrics Baselines and Benchmarking) to LUMA motion of June 16, 2021, Case No. NEPR-MI-2019-0007 at page 5. “The[] findings impact multiple Customer Service metrics, including average speed to answer, percent customer calls answered, average time to respond to a service and

outage complaint, number of informal customer complaints and total number of calls received, among others.” *Id.*

7. Furthermore, additional time is needed because LUMA has identified so far at least ten witnesses that shall submit pre-filed testimonies. This considerable number of witnesses increases the time and efforts needed to review data to be submitted before this Energy Bureau as part of the revised Request for Approval of the Revised Annex IX to the OMA. Preparing and filing written testimonies on one day and prior to discovery being conducted, requires substantial work by LUMA in consultation with different operational components, as well as with counsel.
8. LUMA appreciates the importance of moving forward in the proceeding. However, due to the above-mentioned circumstances, LUMA cannot responsibly file a revised Request for Approval of a Revised Annex IX to the OMA by the deadline set in the current procedural calendar.
9. In its filing in the Baseline Proceeding NEPR-MI-2019-0007, LUMA explained to the Energy Bureau the importance of having additional time to consider and understand the data used by the Energy Bureau to set performance baselines and benchmarks as well as the importance of further engaging stakeholders in the process of fixing baselines and benchmarks. *See* LUMA’s motion of June 16, 2021 and Resolution and Order of July 2, 2021, Case No. NEPR-MI-2019-0007. The Energy Bureau denied LUMA’s requests in the Baseline Proceeding, thereby limiting LUMA’s ability to have at its behest the full scope of necessary data and justifications on the Energy Bureau’s calculations of baselines, which in turn requires additional time and effort to revise the filing to be submitted in this proceeding.

10. LUMA's filing of a revised Request for Approval of the Revised Annex IX to the OMA entails revision of several months of work that begun when the parties of the OMA adopted Annex IX to the OMA, continued since June 22, 2020 throughout the Front-End Transition Period, followed by the labor-intensive and important filings that LUMA submitted in the Baseline Proceeding and in the February 25th filing of the Request for Approval of the Revised Annex IX to the OMA, and has required additional efforts after LUMA received the Resolution and Order issued by this Energy Bureau on July 2, 2021 in the Baseline Proceeding. Importantly, in the Baseline Proceeding, LUMA did not receive comments or guidance from the Energy Bureau on its filings and proposals on baselines. It was not until May 21, 2021, that the Energy Bureau issued a determination setting performance baselines that could start to inform LUMA's analysis on baselines to prepare a revised filing in this proceeding.
11. The records before this Energy Bureau manifest LUMA's commitment to comply with the orders issued by this honorable Energy Bureau and to engage in productive discussions with the Energy Bureau, its consultants, and with stakeholders, in setting performance baselines and targets that will inform the Bureau's consideration of LUMA's Request for Approval of a Revised Annex IX to the OMA. LUMA will continue its active compliance with the orders issued by this Energy Bureau. In this matter, however, said compliance requires an amendment of the procedural calendar and a grant by this Energy Bureau of additional time to file an amended Request for Approval of the Revised Annex IX to the OMA.
12. During the past two months, LUMA has been actively participating in over 20 dockets, including preparing for and participating in technical conferences and filing submissions in compliance

with orders issued by the Energy Bureau, *see e.g.*, NEPR-MI-2021-0008 (LUMA's Model Bill); NEPR-MI-2021-0001 (System Operation Principles); NEPR-MI-2019-0005 (Vegetation Management Plan); NEPR-2021-0002 (Investigation on June 10th Incident); NEPR-MI-2020-0012 (IRP Procurement Plan); NEPR-MI-2019-0001 (Distribution Planning Principles); NEPR-MI-2021-0002 (Ten Year Plan); filing comments on proposed regulations, NEPR-MI-2019-009 (Interconnection Draft Regulation); NEPR-MI-2021-0009 (PR Test for Demand Response); NEPR-MI-2018-0010 (proposed amended wheeling regulation); and participating in an evidentiary hearing, Case No. NEPR-AP-2018-0004 (Unbundling). LUMA has also worked and is working on submissions in other active proceedings including past and planned submissions in cases NEPR-MI-2020-0001 (Permanent Rate), NEPR-MI-2019-0006 (Emergency Response Plan), NEPR-MI-2020-0018 (Physical Security Plan), Case No. NEPR-AP-2018-0004 (Unbundling), NEPR-MI-2020-0016 (Resilience Optimization), and NEPR-MI-2019-0016 (Interconnections). Several of these pending dockets involve substantial sector reforms such as adoption of proposal to enable wheeling services in Puerto Rico. They thus demand attention and consideration by LUMA and by several officers who are also called upon to work in the revised submission to be filed in this proceeding. This scenario of activities in several dockets involving substantial reforms in the energy sector and consideration and revisions of plans that LUMA submitted in March and April 2021, not only demands substantial care and attention from LUMA, but also provides important context on the reasons why it is reasonable to grant LUMA additional time to comply with the August 11th deadline.

13. Given the aforementioned, LUMA requests that the deadline to file LUMA's revised Request for Approval of a Revised Annex IX to the OMA be set for August 20, 2021. Upon assessing the work that has been completed to file a Revised Annex IX to the OMA as well as pre-filed testimonies, LUMA in good faith believes that it will need the requested seven additional business days to file a complete submission that not only revises the Performance Metrics Targets, but also includes the testimonies of approximately ten witnesses.
14. It is respectfully submitted that this request should allow the parties to timely engage in discovery as August 20th is the date when discovery is set to begin.
15. This request is filed in good faith without intent to delay proceedings.

WHEREFORE, LUMA respectfully requests this Honorable Bureau to **consider** the aforementioned and **grant** this request to reschedule the deadline to file LUMA's revised Request for Approval of a Revised Annex IX to the OMA for August 20, 2021.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 6th day of August 2021.

I hereby certify that I filed this motion using the electronic filing system of this Energy Bureau and that I will send an electronic copy of this motion to the attorneys for PREPA, Joannely Marrero-Cruz, jmarrero@diazvaz.law; and Katuska Bolaños-Lugo, kbolanos@diazvaz.law, the Office of the Independent Consumer Protection Office, Lcda. Hannia Rivera Diaz, hrivera@jrsp.pr.gov, and counsel for the Puerto Rico Institute for Competitiveness and Sustainable Economy ("ICSE"), Fernando Agrait, agraitfe@agrailawpr.com, and counsels for Comité Diálogo Ambiental, Inc., El Puente de Williamsburg, Inc., Enlace Latino de Acción Climática, Alianza Comunitaria Ambientalista del Sureste, Inc., Coalición de Organizaciones Anti-Incineración, Inc., Amigos del Río Guaynabo, Inc., CAMBIO, Sierra Club and its Puerto Rico Chapter, and Unión de Trabajadores de la Industria Eléctrica y Riego (jointly, Puerto Rico Local and Environmental Organizations), rstgo2@gmail.com, notificaciones@bufete-emmanuelli.com, pedrosaade5@gmail.com, jessica@bufete-emmanuelli.com; rolando@bufete-emmanuelli.com.



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